

IN RE: PETITION FOR ADMINISTRATIVE \* BEFORE THE  
 ZONING VARIANCE \*  
 S/S Pleasant Brook Court, 195' \* ZONING COMMISSIONER  
 W of c/l Danbury Road \*  
 5 Pleasant Brook Court \* OF BALTIMORE COUNTY  
 4th Election District \*  
 3rd Councilmanic District \* Case No. 95-444-A  
 Shirley W. Smith  
 Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Shirley W. Smith for that property known as 5 Pleasant Brook Court in the Hathaway subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3.8 ft., and a side yard sum of 15.7 ft. in lieu of 9.825 ft. and 18.75 ft., respectively, for a proposed carport. The subject property and requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

ORDER RECEIVED FOR FILING

Date

By

7/6/95  
 M. Horak


SECRETED 10/11

upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of July, 1995 that the Petition for a Zoning Variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3.8 ft., and a side yard sum of 15.7 ft. in lieu of 9.825 ft. and 18.75 ft., respectively, for a proposed carport, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mmm

ORDER RECEIVED  
DATE 7/6/95  
BY M. G. G. G.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 6, 1995

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Petition for Administrative Zoning Variance  
Case No. 95-444-A  
Property: 5 Pleasant Brook Court

Dear Ms. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.





# Petition for Administrative Variance

95-444-A

## to the Zoning Commissioner of Baltimore County

for the property located at 5 Pleasant Brook Ct., Reisterstown, MD 21136

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.B. (208.3 + 301.1, R.10, 1965) to permit a 3.8' side yard and a 15.7' side yard sum in lieu of 9.825' and 16.75' for an open carport

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) I was not the original owner of my house & had no choice as to where it was situated on the lot. I would like to add a carport to protect my automobile & give me some protection during inclement weather when I have to unload groceries, etc. The only protected access directly into my house is the side basement entrance. Therefore, I need to extend my driveway and construct the carport on that side of the house. I need the variance because I don't have enough side setback to satisfy zoning requirements.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Shirley W. Smith

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

410-526-9455 (W)

Attorney for Petitioner

5 Pleasant Brook Court 410-833-0410 (H)

(Type or Print Name)

Address

Phone No.

Reisterstown, Maryland

21136

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *mjk*

DATE: 6/8/95

ESTIMATED POSTING DATE: 6/18/95

Printed with Soybean Ink  
on Recycled Paper

ITEM #: 447

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5 Pleasant Brook Court  
address  
Reisterstown Maryland 21136  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

I was not the original owner of my house & had no choice as to where it was situated on the lot. I would like to add a carport to protect my automobile & give me some protection during inclement weather when I have to unload groceries, etc. Therefore, I need to extend my driveway and construct the carport on that side of the house. I need the variance because I don't have enough side setback to satisfy zoning requirements.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)

(type or print name)



(signature)

Shirley W. Smith  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of June, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Shirley W. Smith

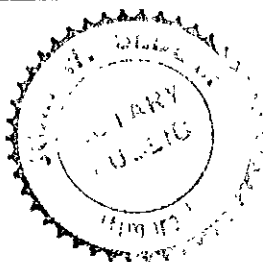
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 5, 1995  
date

NOTARY PUBLIC

My Commission Expires: 10/1/98



A. L. Snyder  
Surveyor, Inc.  
1911 Hanover Pike  
Hampstead, Maryland 21074

95-444-A

(410) 239-7744

(410) 374-9695

Zoning Description for #5 Pleasant Brook Court

April 18, 1995

Beginning at a point on the south side of the cul-de-sac of Pleasant Brook Court (50' radius) at the distance of 195 feet  $\pm$  west of the centerline of Danbury Road (50' wide), being lot 25, Block D, of Plat 3 "Hathaway" as recorded in Baltimore County, Maryland in Plat Book 31 folio 19, containing 10,530 square feet. Also known as #5 Pleasant Brook Court and located in the Fourth Election District,

- 1.) S  $11^{\circ} 10' 00''$  E 117.07 feet,
- 2.) S  $85^{\circ} 51' 38''$  W 79.29 feet,
- 3.) N  $67^{\circ} 17' 33''$  W 55.31 feet,
- 4.) N  $31^{\circ} 40' 00''$  E 121.69 feet,
- 5.) by a line curving to the left having a radius of 50.00 feet, for a distance, measured along the arc of 45.31 feet to the place of beginning.

#447

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-444-A

District HAB

Date of Posting

6/16/95

Posted for:

Variance

Petitioner:

Shirley W. Smith

Location of property:

5 Pleasant Brook Ct, S/S

Location of Signs:

Facing roadway, on property being zoned

Remarks:

Posted by

Signature

Date of return:

6/23/95

Number of Signs:

1





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-444-A

Account: R-001-6150

Number

Date 6/8/95

Item: 447

Taken

In

By: MSH

Smith, Shirley - 5 Pleasant Brook Ct.

010 - Reg. Var. (Admin) — \$ 50.00

080 - 1 sign posting — \$ 35.00

Total — \$ 85.00

PAID

EXCEEDS BUDGET  
NO LONGER AVAILABLE FOR USE

APR 1997

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 447

Petitioner: Shirley W. Smith

Location: 5 Pleasant Brook Court, Reisterstown, Maryland 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Shirley W. Smith

ADDRESS: 5 Pleasant Brook Court

Reisterstown, Maryland 21136

PHONE NUMBER: (H) 410-833-0410 & (W) 410-526-9455

AJ:ggs

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-444-A (Item 447)  
5 Pleasant Brook Court  
S/S Pleasant Brook Court, 195' W of c/l Danbury Road  
4th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 18, 1995. The closing date (July 3, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon  
Director

cc: Shirley W. Smith



RECEIVED  
JUN 16 1995

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 5, 1995

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Item No.: 447  
Case No.: 95-444-A  
Petitioner: S. Smith

Dear Ms. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 8, 1995. June 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 15, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 5 Pleasant Brook Court

INFORMATION:

Item Number: 447

Petitioner: Shirley Smith

Property Size: \_\_\_\_\_

Zoning: DR-3.5

Requested Action: Administrative Variance

Hearing Date:       /      /      

SUMMARY OF RECOMMENDATIONS:

The applicant requests an administrative variance to permit side yard setbacks of 3.8' and 15.7' in lieu of the required 9.8' and 18.7', respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: Garry L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: June 26, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for June 26, 1995  
Items 436, 437, 438, 441, 442, 444, 445, 446  
(447) and 449

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

*W. J. ...*



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary

Hai Kassoff  
Administrator

6-13-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 447 (MSK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for*  
*Bob Small*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

MICROFILMED

Jw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446,  
447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 1, 1995

(410) 887-4386

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance  
Case No. 95-444-A

Dear Ms. Smith:

Thank you for your letter of July 17, 1995.

Pursuant to our telephone conversation and my further review of your plan, I concur that your carport can remain open only on the two exposed sides. The plan does show that a shed is located to the rear and that the carport will abut same. It was the intent of this restriction to prevent the carport from becoming fully enclosed and essentially evolving into a garage. Please consider this letter as an amendment to that Order allowing the carport to be constructed as proposed, for so long as same does not have walls on all four sides and become an enclosed structure.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

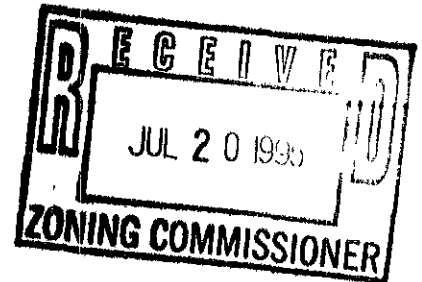
LES:mmn





5 Pleasant Brook Court  
Reisterstown, Maryland 21136  
July 17, 1995

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204



Re: Petition for Administrative Zoning Variance  
Case No. 95-444-A  
Property: 5 Pleasant Brook Court

Dear Mr. Schmidt:

You issued an order on July 6, 1995 granting my variance for a carport. However, in No. 2. under the restrictions, it states that the carport shall remain open on the three exposed sides. The plat that I filed with your office shows a carport with a shed on the rear and is only open on two sides.

Per our telephone conversation this morning, I will appreciate it if you will issue a letter to me clarifying the order and stating that the carport must only be open on two exposed sides and that I can build a shed into the rear of the carport per the plat which I filed with my variance request.

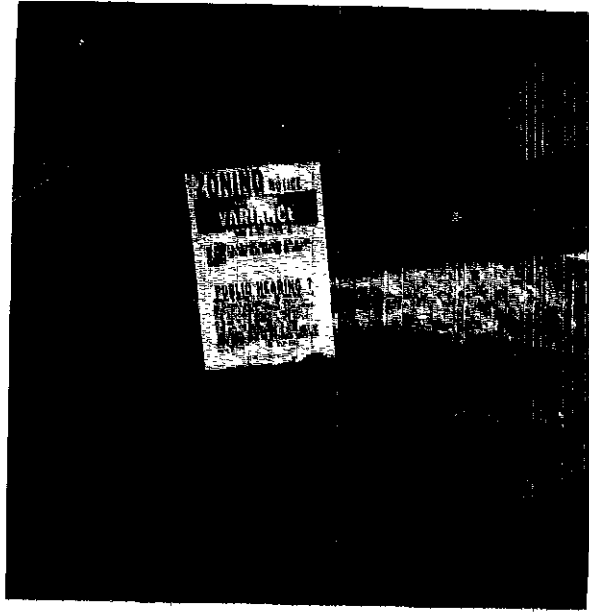
Thanks so much for your assistance in this matter. If you need to reach me by telephone for any reason, my numbers are (H) - 833-0410 and (W) - 526-9455.

Very truly yours,

*Shirley W. Smith*  
Shirley W. Smith

WILLIAM J. SMITH

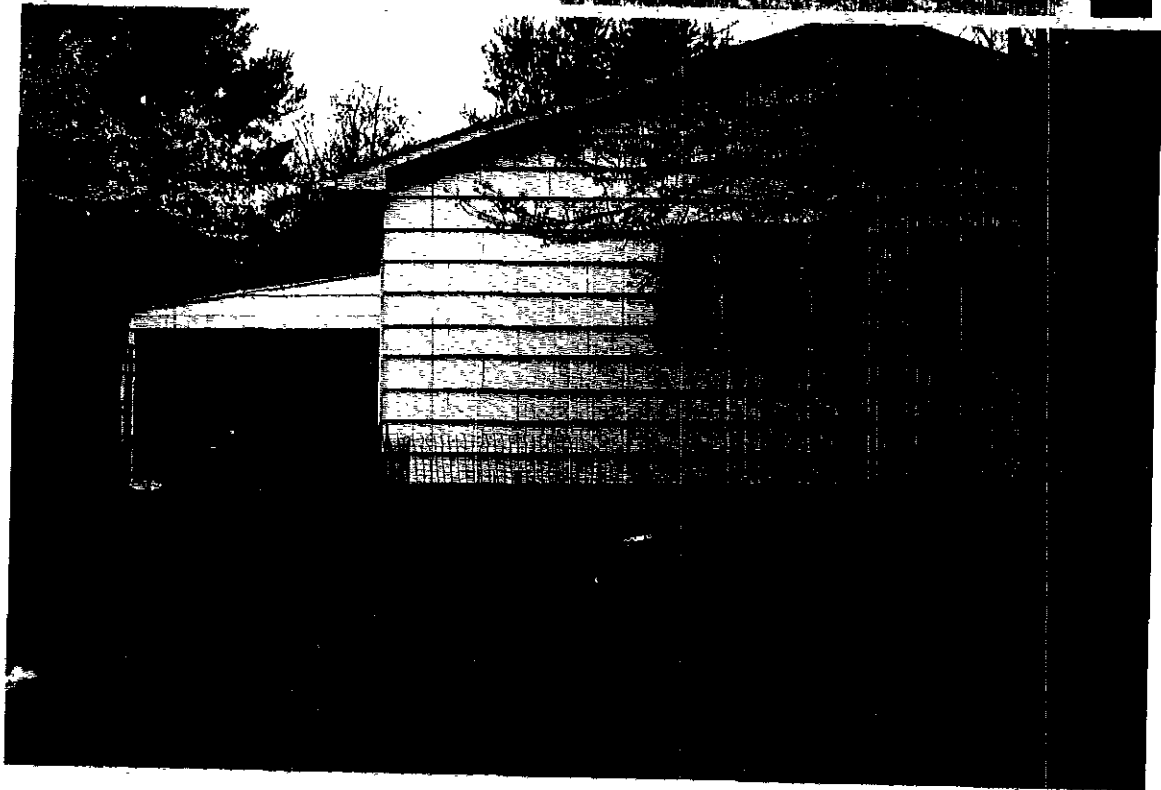
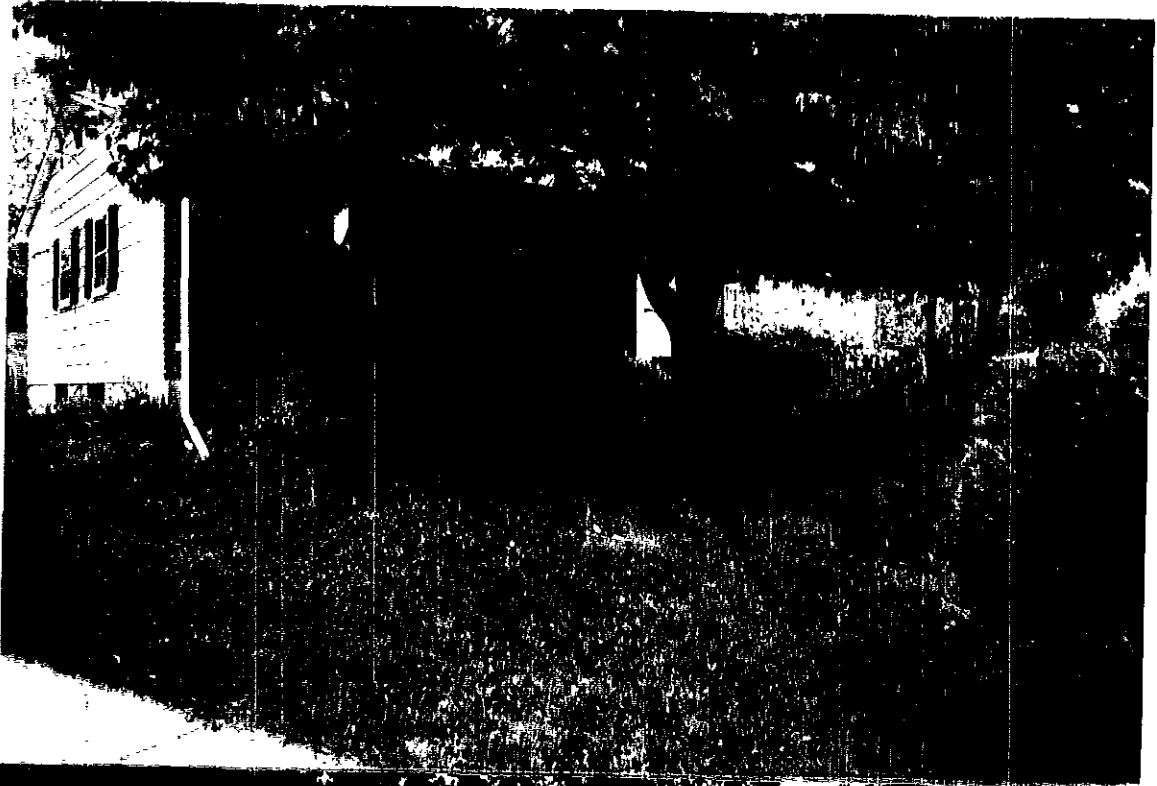
95-444-A



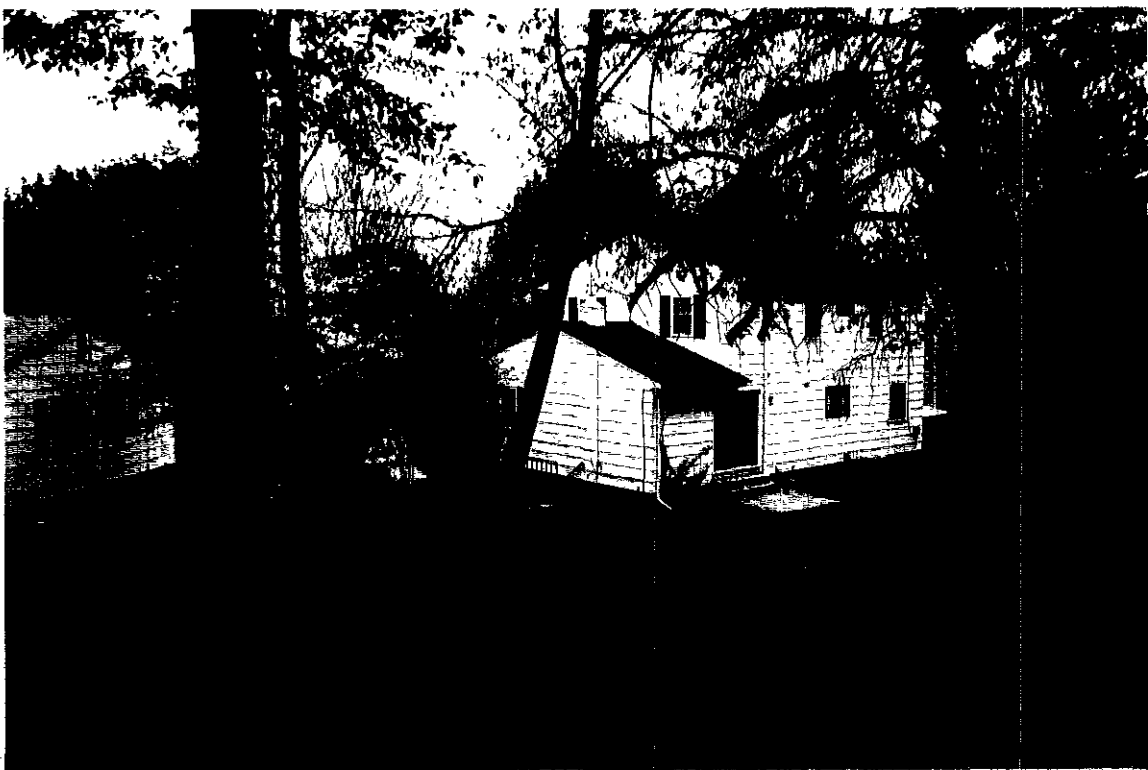
444



75-444-H



95-444-A



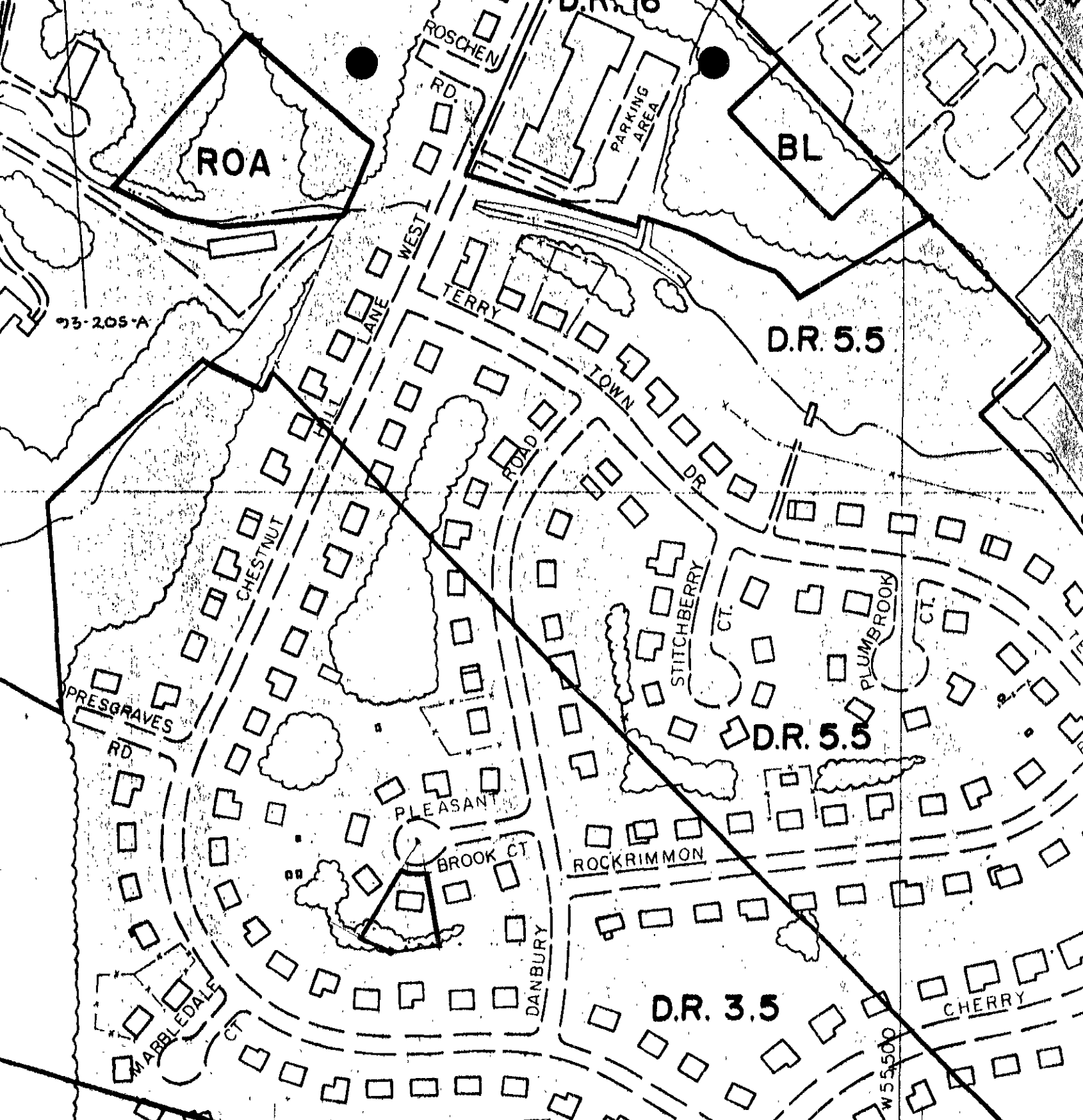
95-444-A



95-444-A



ENCLOSURE



LOCATION

95-444-A  
DELIGHT

#447

SHEET

N. W.

14-J

**1992 COMPREHENSIVE ZONING MAP**  
**Adopted by the Baltimore County Council**  
**Oct. 15, 1992**

1 Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

*William A. Howard IV*  
**Chairman, County Council**





SCALE

1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

95-444-A

DELIGHT

SHEET

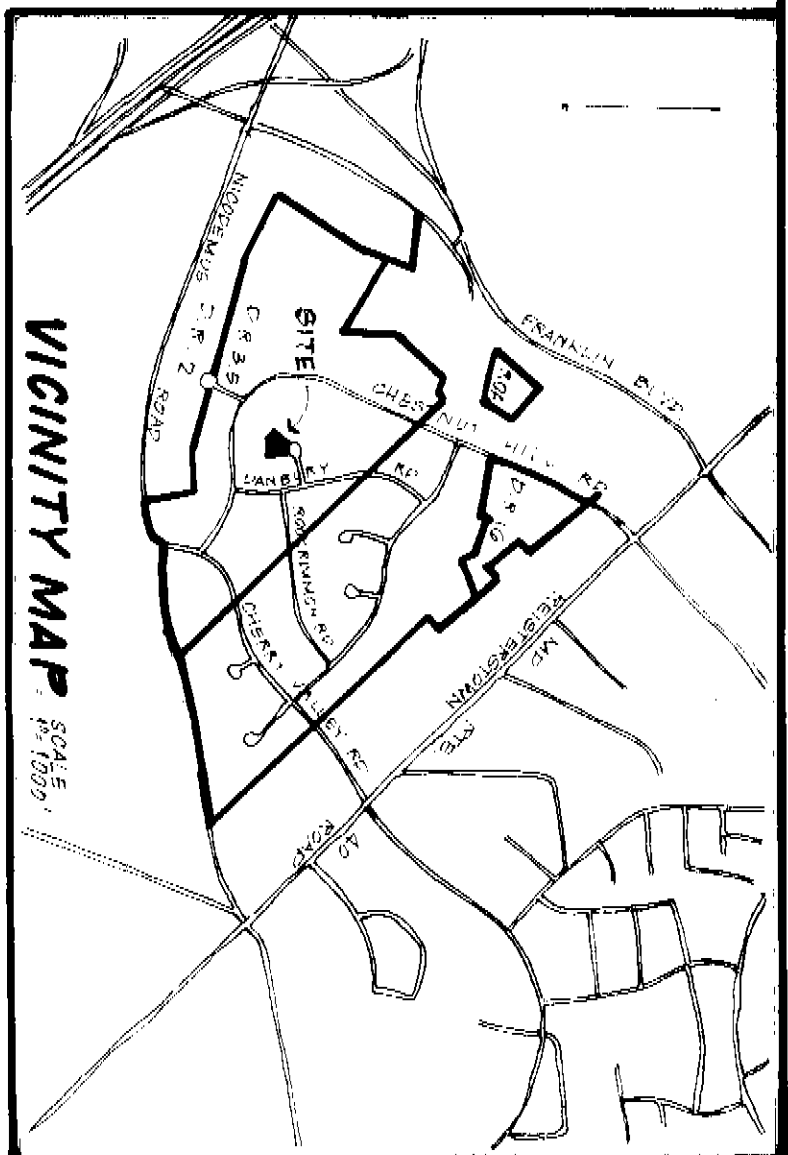
#447

N.W.  
14-J

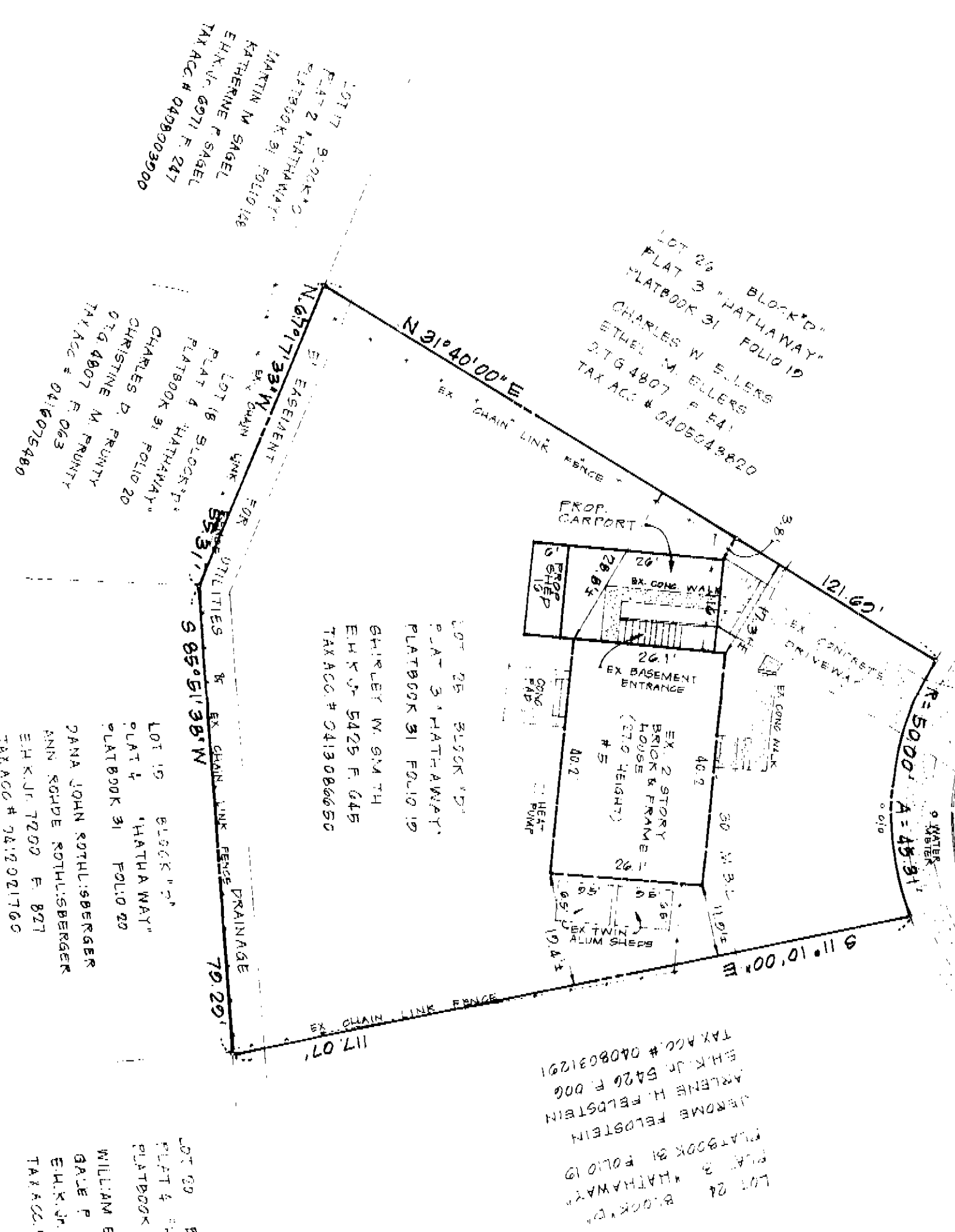
95-4444A

95-4444A

PLEASANT  
BROOK  
COURT



NOTES :  
1. CURRENT ZONING: D.R. 3.5 (200 SCALE N.W. 1/4)



**PLAT TO ACCOMPANY PETITION  
FOR ZONING VARIANCE  
# 5 PLEASANT BROOK COURT**

4TH ELECTION DISTRICT  
CENSUS TRACT : 4044.01  
SCALE : 1"=20'  
SUBDIVISION NAME : HATHAWAY PLAT 3  
PLATBOOK : 31 FOLIO : 12 LOT # 25 BLOCK # D

OWNER : SHIRLEY W. SMITH  
#5 PLEASANT BROOK COURT  
REISTERSTOWN, MD 21130

PREPARED BY:  
A.L. SNYDER  
SURVEYOR, INC.  
1011 HANOVER PIKE  
HAMPSHIRE, MD 21074  
410-239-7744



IN RE: PETITION FOR ADMINISTRATIVE  
ZONING VARIANCE  
S/S Pleasant Brook Court, 195'  
1/4 c/1 Danbury Road  
5 Pleasant Brook Court  
4th Election District  
3rd Councilmanic District  
Shirley W. Smith  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-444-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Shirley W. Smith for that property known as 5 Pleasant Brook Court in the Hathaway subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3.8 ft., and a side yard sum of 15.7 ft. in lieu of 9.825 ft. and 18.75 ft., respectively, for a proposed carport. The subject property and requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

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The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of July, 1995 that the Petition for a Zoning Variance from section 1802.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3.8 ft., and a side yard sum of 15.7 ft. in lieu of 9.825 ft. and 18.75 ft., respectively, for a proposed carport, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mmn

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 6, 1995

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Petition for Administrative Zoning Variance  
Case No. 95-444-A  
Property: 5 Pleasant Brook Court

Dear Ms. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER

LES:mmn  
encl.

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on Recycled Paper



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5 Pleasant Brook Ct., Reisterstown, MD 21136  
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B (206.3 + 201.1, 200.1, 194.5) to permit a 3.8' side yard and a 15.7' side yard sum in lieu of 9.825' and 18.75' for an open carport.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) I was not the original owner of my house & had no choice as to where it was situated on the lot. I would like to add a carport to protect my automobile & give me some protection during inclement weather when I have to unload groceries, etc. The only protected access directly into my house is the side basement entrance. Therefore, I need to extend my driveway and construct the carport on that side of the house. I need the variance because I don't have enough side setback to satisfy zoning requirements.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.  
Legal Owner(s): Shirley W. Smith  
Type or Print Name: Shirley W. Smith  
Signature: Shirley W. Smith  
Address: 5 Pleasant Brook Court, Reisterstown, Maryland 21136  
City: Reisterstown, State: Maryland, Zip Code: 21136  
Name, Address and phone number of representative to be contacted: Shirley W. Smith, 410-526-9455 (H)  
5 Pleasant Brook Court 410-833-0410 (H)  
City: Reisterstown, State: Maryland, Zip Code: 21136  
Name: Shirley W. Smith, Address: 5 Pleasant Brook Court, Reisterstown, Maryland 21136, Phone No: 410-526-9455

A Public Hearing having been requested and/or held to be requested, it is ordered by the Zoning Commissioner of Baltimore County, this 6<sup>th</sup> day of July, 1995, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Reviewed by: [Signature] DATE: 6/16/95  
ESTIMATED POSTING DATE: 6/18/95  
Zoning Commissioner of Baltimore County  
ITEM #: 447

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.  
That the Affiant(s) do(es) presently reside at 5 Pleasant Brook Court

Address: Reisterstown, Maryland 21136  
City: Reisterstown, State: Maryland, Zip Code: 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)  
I was not the original owner of my house & had no choice as to where it was situated on the lot. I would like to add a carport to protect my automobile & give me some protection during inclement weather when I have to unload groceries, etc. Therefore, I need to extend my driveway and construct the carport on that side of the house. I need the variance because I don't have enough side setback to satisfy zoning requirements.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature: Shirley W. Smith  
Type or Print Name: Shirley W. Smith

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of June, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Shirley W. Smith

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 5, 1995  
My Commission Expires: 10/1/98

A. L. Snyder  
Surveyor, Inc.  
1911 Munroe Pk  
Hampstead, Maryland 21074  
(410) 239-7744  
Zoning Description for #5 Pleasant Brook Court  
April 18, 1995  
(410) 374-9695

Beginning at a point on the south side of the cul-de-sac of Pleasant Brook Court (50' radius) at the distance of 195 feet ± west of the centerline of Danbury Road (50' wide), being lot 25, Block D, of Plat 3 "Hathaway" as recorded in Baltimore County, Maryland in Plat Book 31 folio 19, containing 10,530 square feet. Also known as #5 Pleasant Brook Court and located in the Fourth Election District,  
1.) S 11° 10' 00" E 117.07 feet,  
2.) S 85° 51' 38" W 79.29 feet,  
3.) N 67° 17' 33" W 55.31 feet,  
4.) N 31° 40' 00" E 121.69 feet,  
5.) by a line curving to the left having a radius of 90.00 feet, for a distance, measured along the arc of 45.31 feet to the place of beginning.

#447

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 114 Date of Posting: 6/16/95  
Posted for: Variance  
Petitioner: Shirley W. Smith  
Location of property: 5 Pleasant Brook Ct., 1/4  
Location of Sign: Facing West side, on front property, being zone A  
Remarks:  
Posted by: [Signature] Date of return: 6/23/95  
Number of Signs: 1



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 6/8/95

receipt  
95-444-A

Account: R-001-6150

Number:

Item: 447

Tax: 50.00

Fee: 35.00

Total: \$85.00

Smith, Shirley - 5 Pleasant Brook Ct.  
C/O - Reg. Div. (Admin) - \$50.00  
O&O - 1 sign post - \$35.00  
Total - \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 447

Petitioner: Shirley W. Smith

Location: 5 Pleasant Brook Court, Reisterstown, Maryland 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Shirley W. Smith

ADDRESS: 5 Pleasant Brook Court

Reisterstown, Maryland 21136

PHONE NUMBER: (H) 410-833-0410 & (W) 410-526-9455

Adj: ggs

(Revised 04/29/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-444-A (Item 447)  
5 Pleasant Brook Court  
5/6 Pleasant Brook Court, 155' W of c/i Danbury Road  
4th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 18, 1995. The closing date (July 3, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Carl Jablon*

Arnold Jablon  
Director

cc: Shirley W. Smith

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 5, 1995

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Item No.: 447  
Case No.: 95-444-A  
Petitioner: S. Smith

Dear Ms. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 8, 1995 June 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Zoning Supervisor

MCR/jw  
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 15, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 5 Pleasant Brook Court

INFORMATION:

Item Number: 447

Petitioner: Shirley Smith

Property Size:

Zoning: DR-3.5

Requested Action: Administrative Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests an administrative variance to permit side yard setbacks of 3.8' and 15.7' in lieu of the required 9.8' and 18.7', respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kerns*

FK/JL

ITEM447A/PZONE/TEXTJWL

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 26, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for June 26, 1995  
Items 436, 437, 438, 441, 442, 444, 445, 446  
(447) and 449

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 447 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446, 447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERHALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File  
Printed on Recycled Paper

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

August 1, 1995

(410) 887-4386

Ms. Shirley W. Smith  
5 Pleasant Brook Court  
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance  
Case No. 95-444-A

Dear Ms. Smith:

Thank you for your letter of July 17, 1995.

Pursuant to our telephone conversation and my further review of your plan, I concur that your carport can remain open only on the two exposed sides. The plan does show that a shed is located to the rear and that the carport will abut same. It was the intent of this restriction to prevent the carport from becoming fully enclosed and essentially evolving into a garage. Please consider this letter as an amendment to that Order allowing the carport to be constructed as proposed, for so long as same does not have walls on all four sides and become an enclosed structure.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm

5 Pleasant Brook Court  
Reisterstown, Maryland 21136  
July 17, 1995

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Administrative Zoning Variance  
Case No. 95-444-A  
Property: 5 Pleasant Brook Court

Dear Mr. Schmidt:

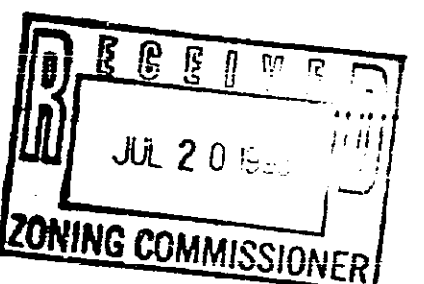
You issued an order on July 6, 1995 granting my variance for a carport. However, in No. 2. under the restrictions, it states that the carport shall remain open on the three exposed sides. The plat that I filed with your office shows a carport with a shed on the rear and is only open on two sides.

Per our telephone conversation this morning, I will appreciate it if you will issue a letter to me clarifying the order and stating that the carport must only be open on two exposed sides and that I can build a shed into the rear of the carport per the plat which I filed with my variance request.

Thanks so much for your assistance in this matter. If you need to reach me by telephone for any reason, my numbers are (H) - 833-0410 and (W) - 526-9455.

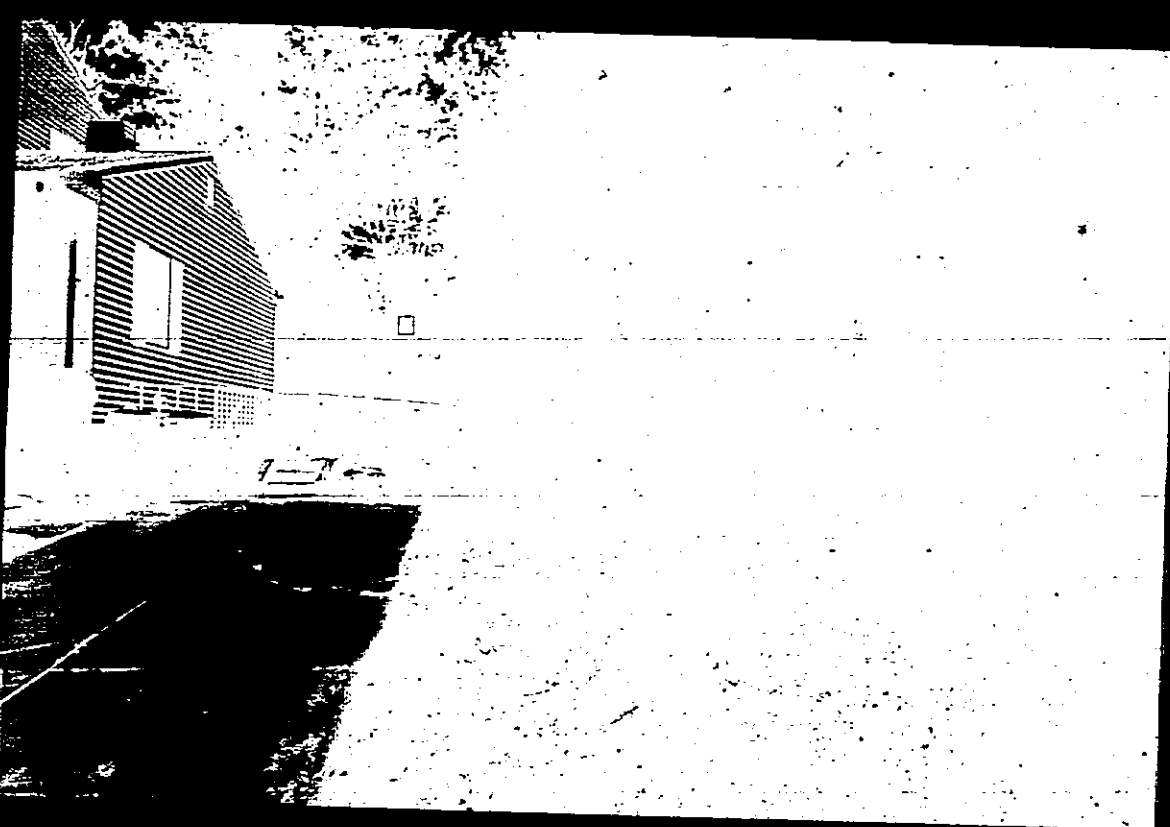
Very truly yours,

*Shirley W. Smith*  
Shirley W. Smith

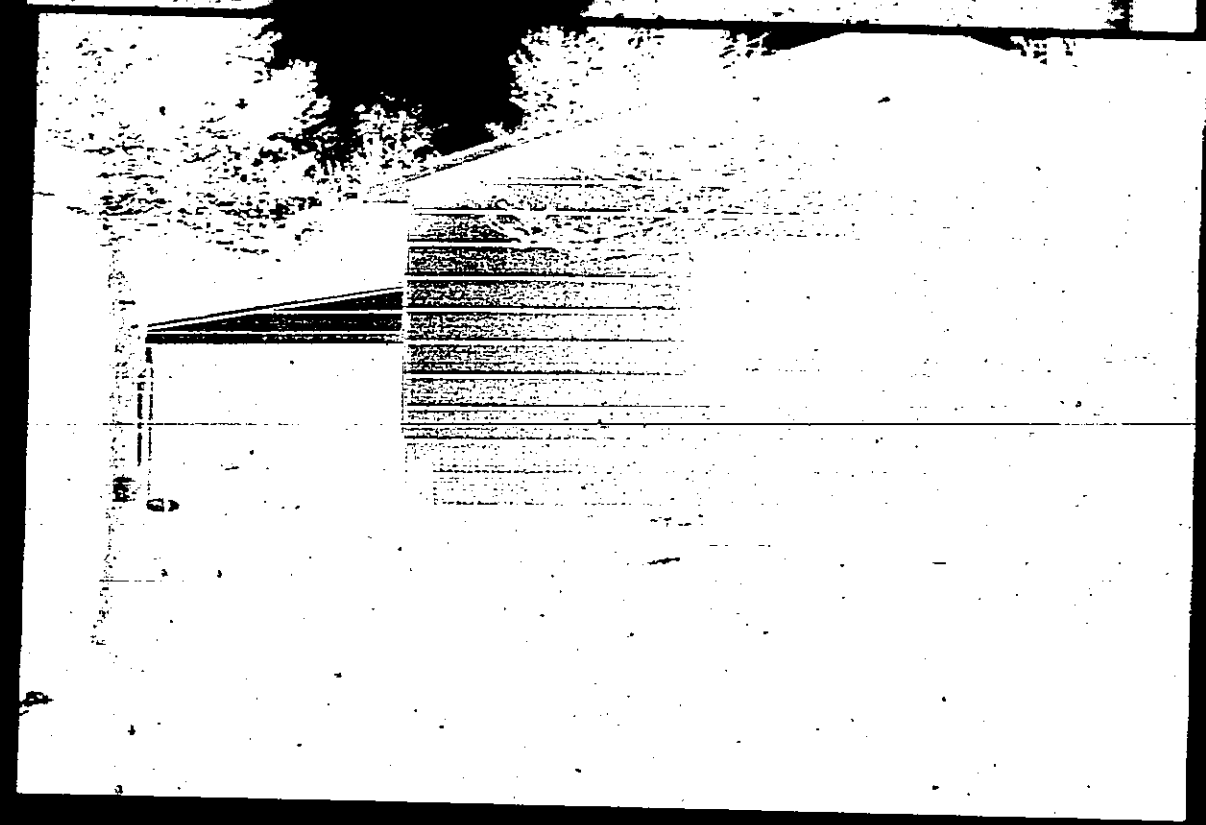




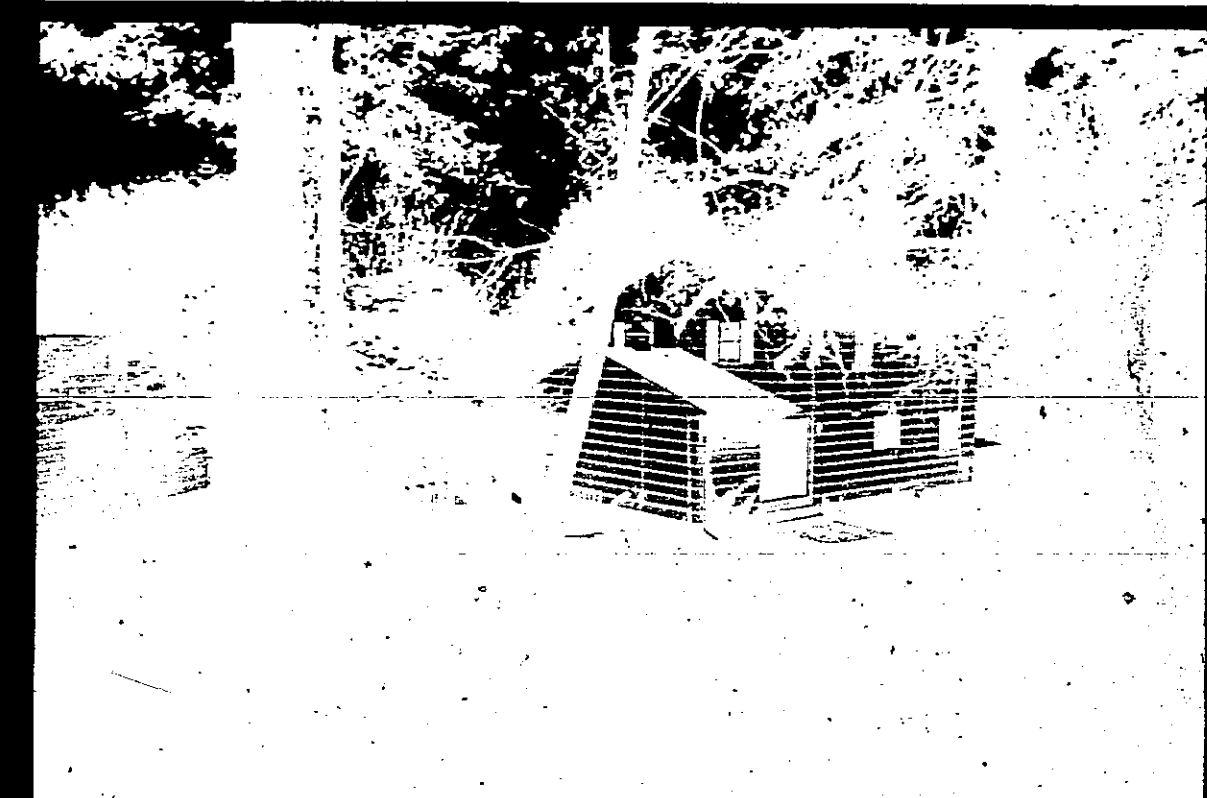
95-444-A



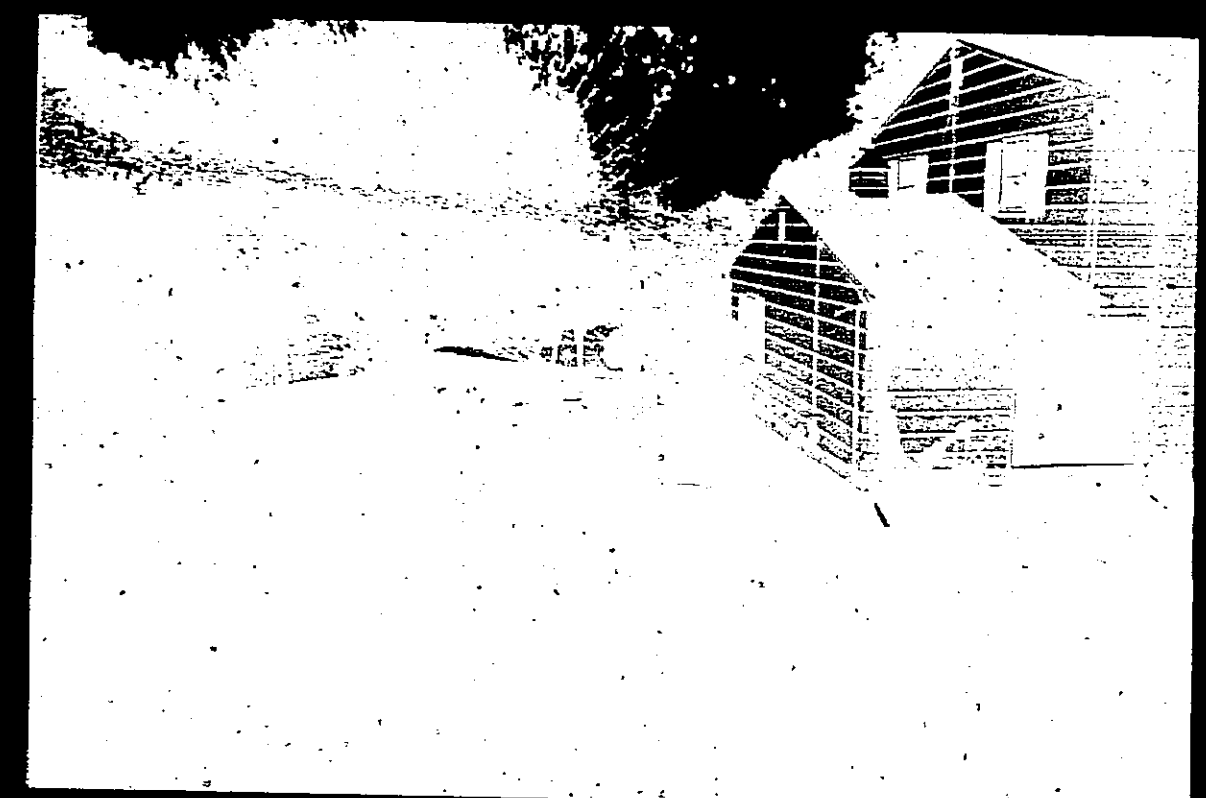
95-444-A



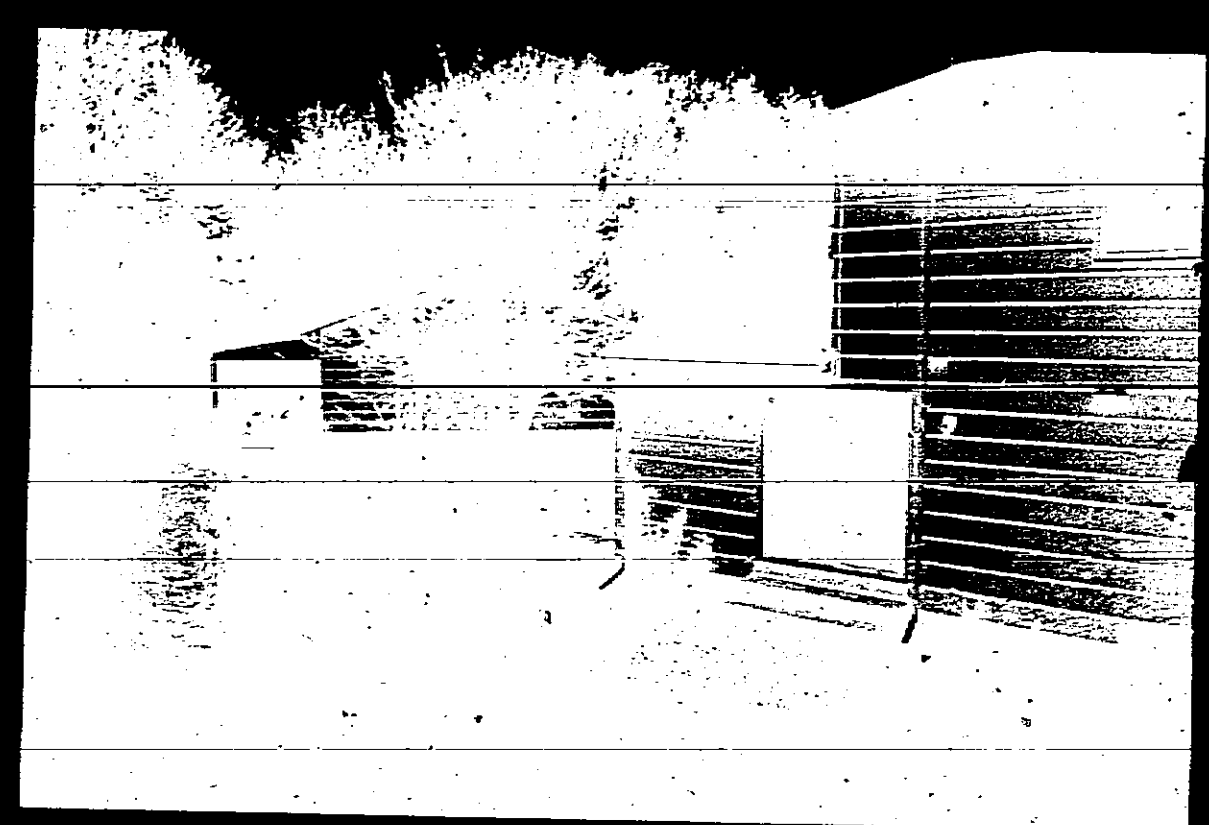
95-444-A



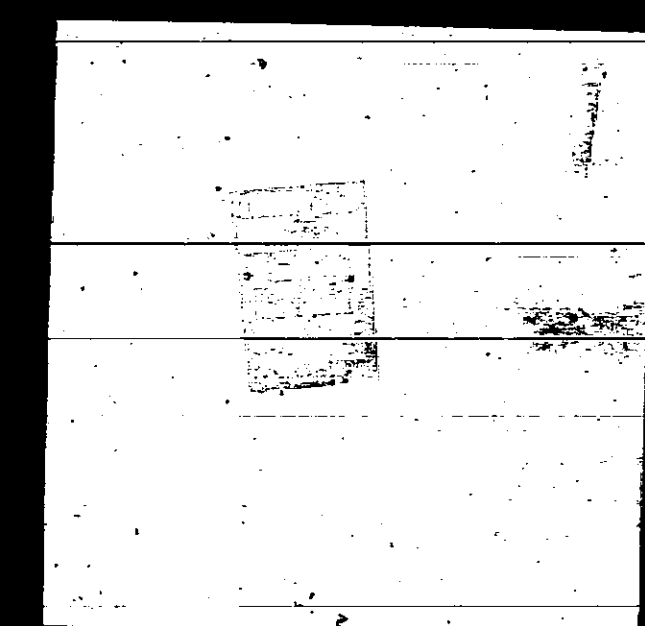
95-444-A



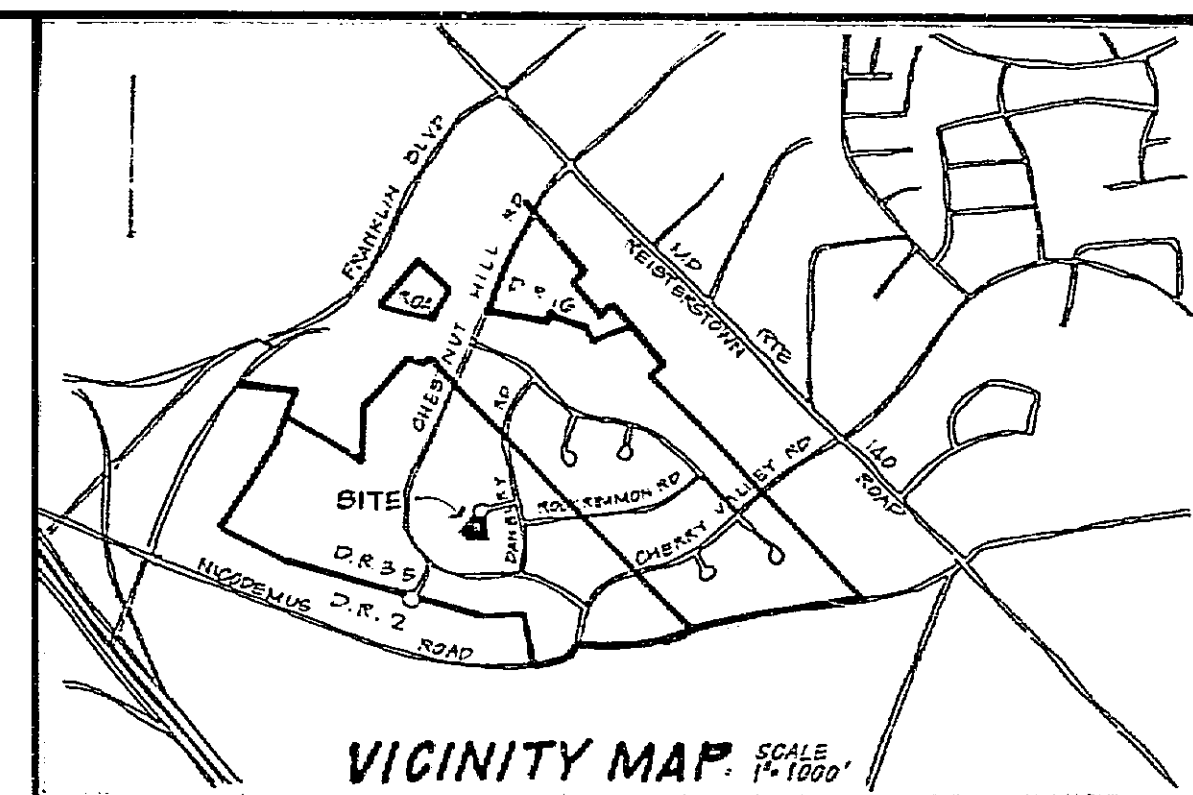
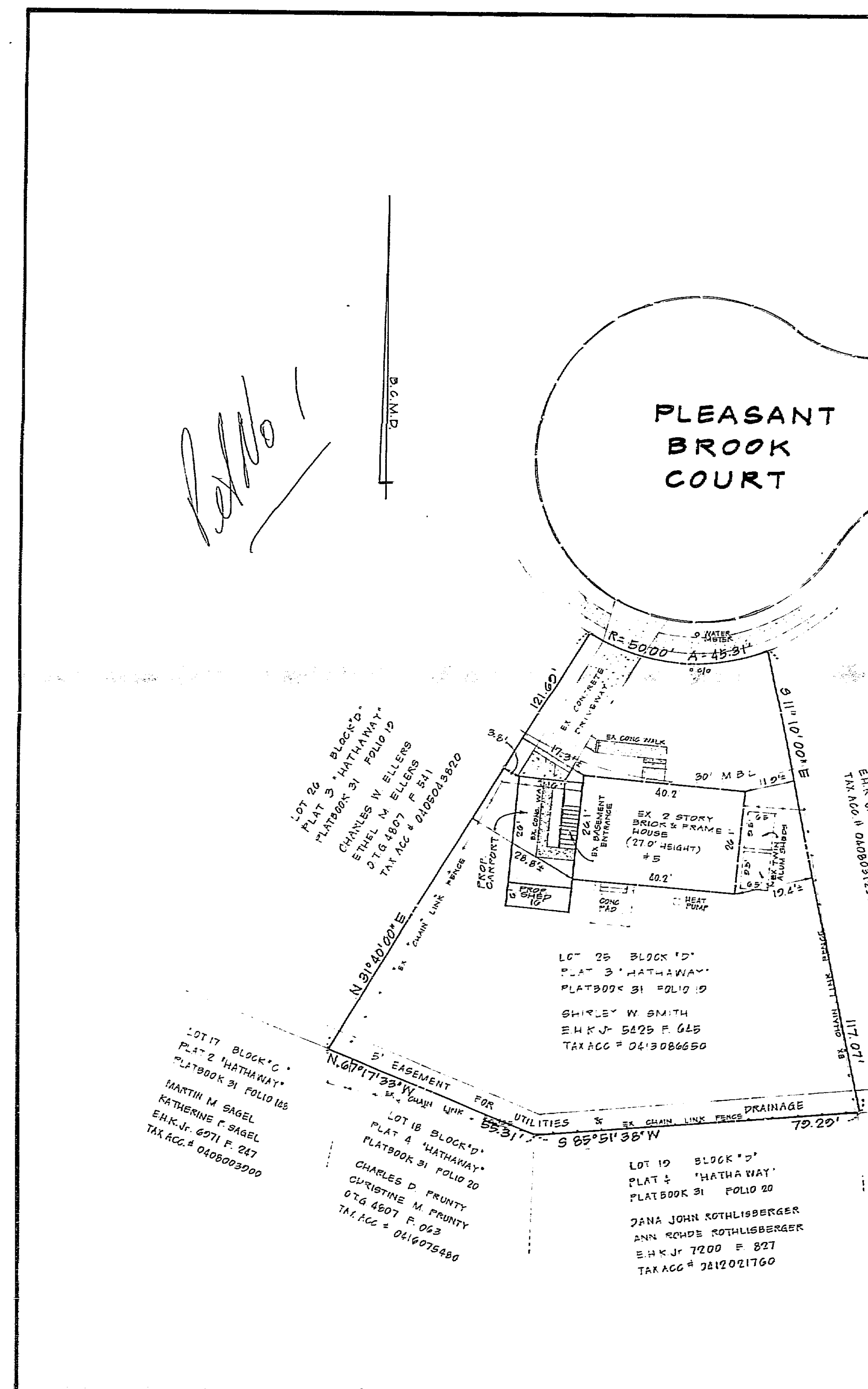
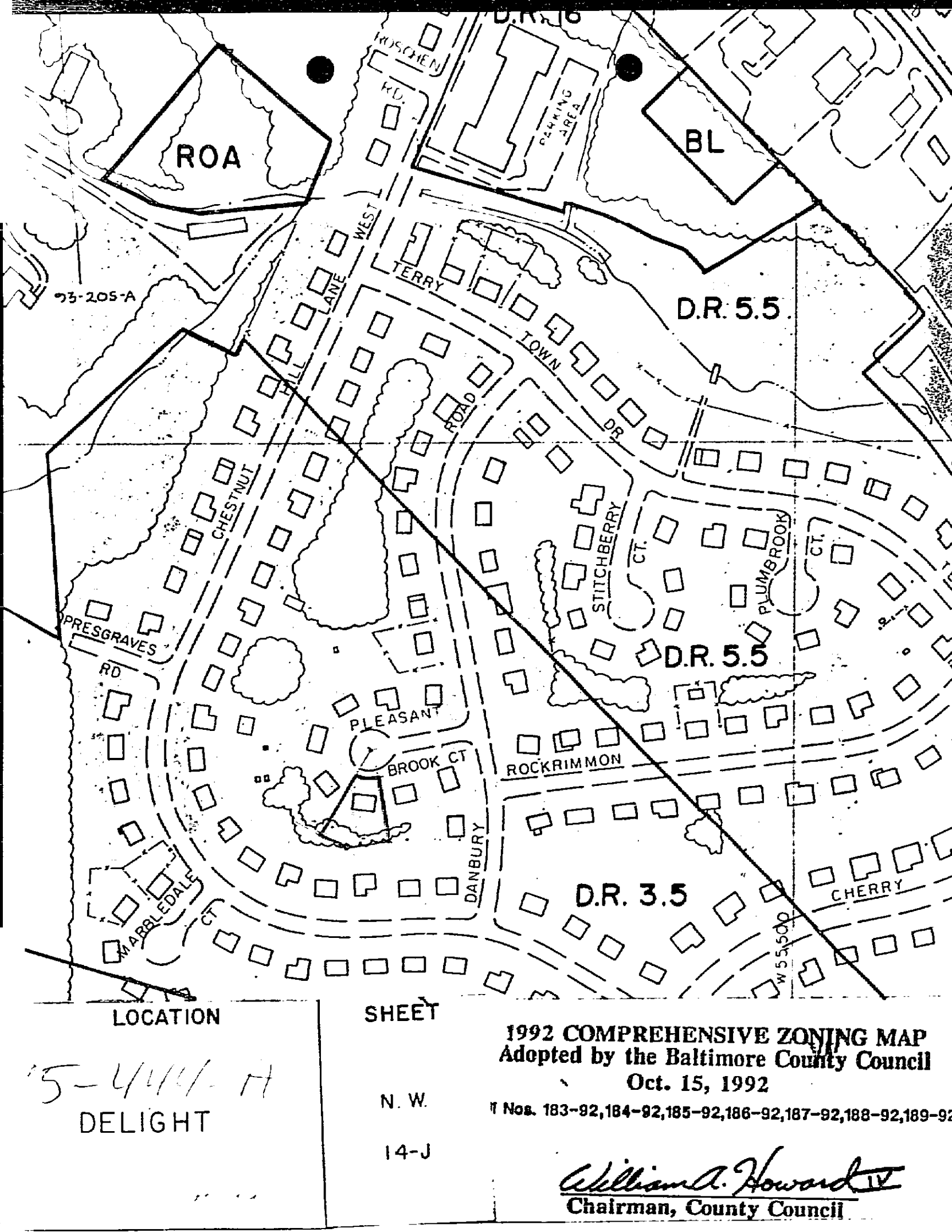
95-444-A



95-444-A

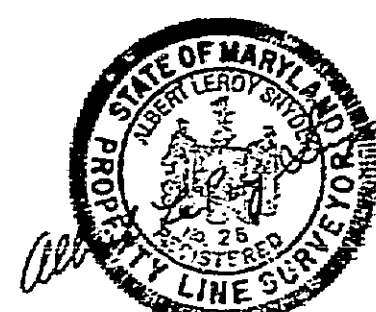






NOTES:  
1. CURRENT ZONING: D.R. 3.5 (200 SCALE N.W. 14J)

# 447  
PLAT TO ACCOMPANY PETITION  
FOR ZONING VARIANCE  
# 5 PLEASANT BROOK COURT  
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.  
CENSUS TRACT: 4044 01 COUNCILMANIC DISTRICT: 3  
SCALE: 1"=20' DATE: APRIL 18, 1995  
SUBDIVISION NAME: HATHAWAY PLAT 3  
PLATBOOK: 31 FOLIO 10 LOT # 25 BLOCK # D  
OWNER: SHIRLEY W. SMITH  
# 5 PLEASANT BROOK COURT  
REISTERTOWN, MD 21136



PREPARED BY:  
A.L. SNYDER  
SURVEYOR, INC.  
1911 HANOVER PIKE  
HAMPSTEAD, MD 21074  
410-289-7744

JOB NO. 05017

SCALE 1" = 200'±	LOCATION 95-444-A DELIGHT	SHEET N.W. 14-J
DATE OF PHOTOGRAPHY JANUARY 1986		